



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
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MAR 20 2015

Jonathan D. McDade
New York Division Administrator
Federal Highway Administration
Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, New York 12207

Dear Mr. McDade:

The U.S. Environmental Protection Agency has reviewed the Federal Highway Administration's Tier 1 Cross Harbor Freight Program Draft Environmental Impact Statement (DEIS) (CEQ# 20140331). The Port Authority of New York and New Jersey (Port Authority) is the project proponent. The purpose of the Cross Harbor Freight Program (CHFP) is to improve the movement of freight across New York Harbor between the east-of-Hudson and west-of Hudson regions. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA).

This Tier 1 DEIS analyzes the Cross Harbor Freight Program on a broad scale. It describes and summarizes the environmental impacts of ten proposed system improvements to cross harbor freight transportation, along with a base case or "no action" alternative. Federal Highway Administration (FHWA) and the Port Authority, after public comment and agency consultation, plan to identify a preferred alternative in the Federal Environmental Impact Statement (FEIS), and a subsequent Tier 2 NEPA document will be prepared to more intensively study the environmental impacts of the preferred alternative.

The need for substantially improved freight movement between the east and west sides of New York Harbor has been recognized, but largely unfulfilled, for almost a century. According to a New York Metropolitan Transportation Council study, the New York Metro area leads the nation in truck delays: 33.4 million hours of delay annually at a cost of \$2.5 billion. This is 170% greater than the average delay based on the 15 largest metro areas in the US. The CHFP presents a number of alternatives that would provide environmental, traffic flow and economic benefits across the metropolitan area. With this in mind, the EPA applauds the FHWA and the Port Authority for evaluating various means of improving the movement of freight across New York Harbor.

The Build Alternatives presented in the DEIS offer opportunities to reduce traffic congestion at other major crossings,¹ reduce vehicle miles traveled region-wide, and reduce petroleum consumption. A major environmental benefit that would result from any of the Build Alternatives is reductions in emissions of criteria air pollutants and greenhouse gases (GHG). From an air quality and human health

¹ *NYMTC Regional Freight Plan Update 2015-2040 Interim Plan: Task 2.1.1 Technical Memorandum, Highway Network and Infrastructure*
http://www.nymtc.org/files/RTP_PLAN_2040_docs/PublicReviewDrafts/FreightModalReports/TM2-1-1_NYMTC_HighwayNetwork_FINAL.pdf

perspective, this is particularly important given that the New York City/Northern New Jersey metropolitan area continues to be in nonattainment of the National Ambient Air Quality Standard (NAAQS) for ozone and only recently attained the NAAQS for fine particulate matter emissions.

Reductions in pollutant emissions would help improve air quality and protect public health. Exposure to air pollutants is associated with numerous effects on human health, including increased respiratory symptoms, hospitalization for heart or lung diseases, and even premature death. Fine particles have been linked to aggravated asthma, chronic bronchitis, and other acute respiratory symptoms. Thousands of studies have linked exposure to particulate matter to health effects. An extensive review of the literature was conducted by the EPA as part of EPA's integrated science assessment for PM (US EPA, 2009). Short term 24 hour exposure to PM_{2.5} was linked to a number of health outcomes including cardiovascular and respiratory effects and mortality. Epidemiological studies reported consistent positive associations between exposure to PM_{2.5} and cardiovascular emergency department visits and hospital admissions. Increases ranged from 0.5 to 3.4 % per a 10 µg/m³ increase in PM_{2.5}. Positive associations between short-term exposure to PM_{2.5} and all-cause, cardiovascular and respiratory related mortality were also consistently reported in the literature. Studies examining the relationship between exposure to PM_{2.5} and respiratory emergency department visits and hospital admissions for chronic obstructive pulmonary disease (COPD) and respiratory infections also reported associations.²

In addition, the projects' projected reduction of greenhouse gas (GHG) emissions would be important to reduce the rate of climate change and its expected impacts. This is consistent with other ongoing efforts and the priority given by the federal government, states, industry and other stakeholders to reduce GHG emissions from a variety of other mobile and stationary sources. The impacts of GHG emissions are cumulative and widespread. Therefore action and leadership at the global, national and local levels are essential in addressing the climate change issue.

In the New York metropolitan area the impacts of climate change are already being felt, most notably through sea level rise, which is projected to continue into the foreseeable future, even with GHG mitigation. The growing need for adaptation, resiliency, and redundancy in the transportation network was evidenced in the disruption caused by superstorm Sandy and other flooding events. Accordingly, EPA agrees with the conclusion presented in the DEIS that the Build Alternatives would "provide additional infrastructure that would be important in responding to emergencies resulting from severe weather events related to climate change."

Because this Tier 1 DEIS does not indicate a preferred alternative, EPA must rate each alternative identified. (See enclosed rating sheet.) A common factor recognized in EPA's review of the Build Alternatives is that some level of regional environmental, energy and traffic benefits would be achieved by each.

The **no action alternative** represents a continuation of existing NYNJ Rail cross harbor service with highway and rail projects that are currently programmed, planned, or approved in the study area. This includes the acquisition and replacement of the Greenville Yard lift bridge and a subsequent Greenville and 65th Street yards re-evaluation that is slated to take place.

² US Environmental Protection Agency. 2009. Integrated Science Assessment for Particulate Matter. EPA/600/R-08/139F. Available at: <http://cfpub.epa.gov/ncea/cfm/recorddisplay.cfm?deid=216546> .

From the environmental perspective, no action is the least appealing alternative. As stated in the DEIS, the region's overwhelming dependence on trucking increases the costs and environmental impact of freight movement, "while decreasing reliability and speed of freight delivery and safety of roadways and infrastructure." With no major action taken, already congested freight transport, truck vehicle miles traveled, and existing inefficiencies in the system will only grow.

The **Enhanced Railcar Float Alternative** would expand existing float service between Greenville Yard in Jersey City and the 65th Street Yard in Brooklyn. Float service would be hourly at full operation, and float service at the 51st Street Yard in Brooklyn would be re-established. Improvements would include operations efficiency, construction of a new rail car float at the 65th Street Yard, purchase of new railcar floats and other upgrades that would be expected to have minimal impacts on the environment. EPA rates this alternative LO – Lack of Objections.

The **Truck Float Alternative** would have truck trailers or whole trucks move on a vessel across the harbor, without the truck drivers. A driver would deliver a trailer or tractor-trailer to the terminus on one side of the harbor. Once the float vessel crosses the harbor, a second driver would pick up the trailer or tractor-trailer at the other terminus for transport to its ultimate destination. Some upgrade of existing facilities would be needed (truck ramps), but construction would be minor. EPA rates this alternative LO – Lack of Objections.

The **Truck Ferry Alternative** would be a traditional vehicle ferry service, that is, a truck along with the driver is ferried from one side of the harbor to the other. This alternative would require minor construction (ramps) and possibly some bulk heading. EPA rates this alternative LO – Lack of Objections.

The **Lift On-Lift Off Container Barge Alternative** would provide a ferry service across the harbor for marine containers. This alternative would require new bulkhead and fendering systems, mobile harbor cranes, adjustable spreaders, yard tractors, reach stackers and other equipment necessary to move and store marine containers. EPA rates this alternative LO – Lack of Objections.

The **Roll On-Roll Off Container Barge Alternative** would provide a ferry service for containers on chassis. Trucks would drive/roll the container mounted on the chassis on board and off. Truck ramps would be required at both termini of the service. This alternative is rated LO – Lack of Objections.

The various Rail Tunnel Alternatives would provide a rail tunnel crossing from Greenville Yard to the Long Island Rail Road's Bay Ridge Branch. The tunnel would be constructed to accommodate double-stacked container railcars and would allow for bi-directional service. It is expected that container freight would be handled at the Maspeth Yard in Queens, and at another intermodal terminal somewhere on Long Island.

The **Rail Tunnel with Shuttle ("Open Technology") Service Alternative** would provide the service of a rail tunnel with a particular technology that allows a train to be split into multiple parts, or opened, to facilitate loading. It would allow for non-intermodal equipment, such as trailers, to use rail. It would also minimize the need for intermodal lifting equipment.

The **Rail Tunnel with Chunnel Service Alternative** would allow trucks to be driven on and off special railcars which would carry the trucks through the tunnel. Chunnel Service would require dedicated train sets and specialized loading and unloading terminals.

The **Rail Tunnel with Automated Guided Vehicle (AGV) Technology Alternative** would provide robotic, self-guided mobile platforms that can carry pallets, machinery or containers. AGV's can be steel or rubber tired.

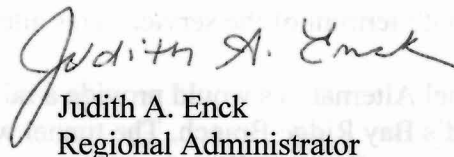
The **Rail Tunnel with Truck Access Alternative** would be a traditional rail tunnel designed with pavement to allow rubber-tired vehicles to pass through the tunnel during periods when trains are not present.

The Rail Alternatives offer the greatest opportunities to decrease regional vehicle miles traveled and thereby reduce regional air emissions. The DEIS also indicates, however, that the new rail termini will result in local increases in locomotive and truck pollution. In addition, most of the Rail Alternatives would require some, as yet undefined, land acquisition and construction of ventilation shafts. EPA recognizes that emissions and land acquisition impacts will be quantified during the Tier 2 environmental impact statement. EPA urges that every effort be made to minimize impacts to local host areas, especially low income communities that suffer from disproportionate impacts of air pollutants. In the same vein, land acquisition should not damage coastal resources and other habitat that may be affected. In rehabilitation of existing tracks or construction of additional track on the New York side, consideration should be given to minimizing direct and cumulative impacts to communities. Given the planning timeframe and scale of the rail alternatives, these environmental and community considerations should be incorporated into detailed project development from the outset. In light of all these potential concerns, EPA has rated all Rail Alternatives as EC – 2 – Environmental Concerns – additional information needed.

Our more detailed technical comments are enclosed with this letter.

Thank you for the opportunity to comment. EPA looks forward to continuing our participation as a cooperating agency as CHFP alternatives are further developed. If you have any questions, please contact Lingard Knutson, Environmental Scientist at (212) 637-3747 or Knutson.lingard@epa.gov.

Sincerely,



Judith A. Enck
Regional Administrator

Enclosures

**EPA's Technical Comments on the Federal Highway Administration's Draft Tier 1
Environmental Impact Statement
"Cross Harbor Freight Program"
March 15, 2015**

Alternatives:

Page ES-5 gives a description of the Enhanced Railcar Float Alternative that describes the upgrade of the existing car float operations, carrying rail cars (enclosed railcars used for bulk commodities) across the harbor. However, Table ES-1 lists a carload and "carload with intermodal" option in freight diversions, and Figure ES-3 gives a range of train and truck volumes that "reflects carload only service at the low end of the range and intermodal service in addition to carload at the high end of the range." This also happens on Page 4-26 (description), Table 5-5 (diversion numbers) and Figure 5-9 (train and truck volumes). Chapter 5, Section D, page 5-36 does discuss that float service could divert more freight "if intermodal freight could be accommodated." EPA is unable to find a clear description of an intermodal rail car float alternative in the document. If an intermodal rail car float is considered a viable alternative, it should be fully described as an alternative, environmental impacts discussed and be included in Table 5-6 regarding Level of Service changes.

Greenhouse Gas:

Page 6.5-5 should include a reference and discussion of the Council on Environmental Quality's revised draft guidance for Greenhouse Gas Emissions and Climate Change Impacts dated December 18, 2014, which supersedes the February 18, 2010 draft guidance.

General:

Table ES-2 – Potential Land Acquisition. The potential land acreage values have a plus sign before the acreage number. Does that denote they are different than the acreage numbers under the waterborne alternatives?

Page 1-2. It is EPA's understanding that the Regional Goods Movement Plan is now part of the joint initiative "G-MAP," a comprehensive goods movement action program for the New York-New Jersey Metropolitan Region. As this is mentioned as a relevant planning study in the Tier 1 DEIS, any documentation or action plans from G-MAP should be accessible to the public via website links.

Page 5-16. ExpressRail Elizabeth was opened in 1991 by Maher Terminal and Conrail.

Page 6.5-2. The South Hudson Intermodal Facility should be identified as the Greenville Yard-Port Authority Marine Terminal – Intermodal Container Transfer Facility and/or ExpressRail Port Jersey. This will preclude any misunderstandings about the location of the terminal. The descriptor with the point is also incorrect.

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION
Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.↑↑

